

## NOTICE OF VIOLATION

Toledo Edison Company  
Davis-Besse NPS

Docket No. 50-346  
License No. NPF-3  
EA No. 96-303

During an NRC inspection conducted on June 11 through August 14, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

- A. 10 CFR Part 50, Appendix B, Criterion V, states, in part, that "Activities affecting quality shall be prescribed by documented instructions, procedures, or drawings of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings."

Plant procedure DB-MM-06002, Revision 01, "Polar Crane Operation", step 2.2.30 stated that "During the period when the reactor vessel head is removed and irradiated fuel is in the containment vessel and fuel is not being moved, the polar crane hoists shall be operated over the refueling canal only when necessary and in accordance with approved operating procedures stating the purpose of such use."

Step 2.2.34 of DB-MM-06002 stated, in part, that "Equipment is to be removed within the load path area (Attachment 3)." Attachment 3 specified a load path layout diagram of containment that excluded the immediate area around the reactor vessel.

Step 2.2.36 of DB-MM-06002 stated, in part, that "The following heavy loads are lifted using the polar crane..." The specified heavy loads list included the reactor vessel head lifting rig.

Contrary to the above, the polar crane was used to lift the reactor vessel head lifting rig over the open reactor vessel on April 16, 1996. (50-346/96005-04(DRP))

This is a Severity Level IV Violation (Supplement I).

- B. 10 CFR Part 50.59, states, in part, that "The holder of a license authorizing operation of a production or utilization facility may (i) make changes in the facility as described in the safety analysis report... without prior Commission approval, unless the proposed change, test or experiment involves a change in the technical specifications incorporated in the license or an unreviewed safety question."

10 CFR Part 50.59 further states that "The licensee shall maintain records of changes in the facility and of changes in procedures made pursuant to this section, to the extent that these changes constitute changes in the facility as described in the safety analysis report or to the extent that they constitute changes in procedures as described in the safety analysis report... These records must include a written safety evaluation which provides the bases for the determination that the change, test, or experiment does not involve an unreviewed safety question."

Contrary to the above, on December 15, 1995, the licensee made a change to the plant as described in the safety analysis report without performing a safety evaluation. The Primary Water Storage Tank, a tank described in the Updated Safety Analysis Report as providing primary and backup water sources to the plant, was drained and made unavailable for station use. This was done without a safety evaluation having been performed to determine whether the change constituted a change to technical specifications or whether there was an unreviewed safety question. (50-346/96005-08(DRP))

This is a Severity Level IV violation (Supplement I).

Pursuant to the provisions of 10 CFR 2.201, Toledo Edison is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region III, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Dated at Lisle, Illinois  
this 19 th day of November 1996